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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,684	01/06/2005	Hiroshi Yamaguchi	SONYJP 3.3 -381	5184
530	7590	11/25/2008	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			ANDRAMUNO, FRANKLIN S	
ART UNIT	PAPER NUMBER			
		2424		
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11/25/2008	PAPER			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/520,684	<b>Applicant(s)</b> YAMAGUCHI ET AL.
	<b>Examiner</b> FRANKLIN S. ANDRAMUNO	<b>Art Unit</b> 2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 07/17/08.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton (US 7,305,357 B2) in view of Asmussen et al (US 2002/0042923 A1) in view of Knee et al (US 6,769,128 B1). Hereinafter referred as Hamilton, Asmussen, and Knee.

Regarding claims 1, 7, 11, and 15, Hamilton discloses a content distribution system (**Content On Demand System (10) in figure 1**), comprising: a content receiving client that receives the data stream for a broadcast program (**figure 4**), the control information for obtaining the broadcast program (**column 5 lines 48-61**), and the program information and reproduces the broadcast program after storing the broadcast contents (**Memory (26) in figure 2**). The content receiving client controls a

reproduction for the received broadcast program based on the content control information (**column 6 lines 39-42**).

**However, Hamilton fails to teach** the use of the copyright protection information in the control information for obtaining the broadcast program or in the program information. Asmussen shows in (**page 5 paragraph (0057)**) the aggregator will determine to whom any copyright or other fees should be paid. Asmusen also discloses in (**page 7 paragraph (0073) lines 18-23**) the aggregator scheduled content database (518) stores and processes information including, but not limited to, scheduled broadcast programming content and scheduled streaming program content available to users.

Therefore, it would have been obvious at the time of the invention to include the control information concerning copyright protection. This is a useful combination because it allows software owners to sell and download their products with the correct protection.

**However, Hamilton and Asmussen fail to teach** the content delivery server delivers content control information corresponding to the broadcast program in the control information for obtaining the program o in the program information. Knee discloses in (**column 6 lines 39-54**) the EPG system of the invention is provided with data feeds containing different types of information and selectable for display by the user. Moreover, the data feeds may contain many different types of up-to-the-minute information. Also, a content delivery server that delivers a data stream for a broadcast

program (**figure 58**), control information for obtaining data for a broadcast program, and program information (**column 45 lines 54-65**).

Therefore, it would have been obvious at the time of the invention to include the use of a content delivery server to deliver content control information corresponding to broadcast program. This is a useful combination because it allows a system to send computerized control system and control broadcasting display data remotely.

Regarding claims 2, 6, 8, and 12, Hamilton discloses a content distribution system according to claims 1, 5, 7, and 11, wherein content control information includes at least reproduction control information (**column 5 lines 48-61**), and the reproduction control information includes at least one of the number of times of reproduction of contents (**column 26 lines 17-24**), restriction of display resolution of reproduced broadband program (**column 26 lines 17-24**), and an expiration date of content reproduction (**column 12 lines 45-54**).

Regarding claims 3, 5, Hamilton discloses a content distribution system according to claims 2, 8, and 12, wherein the content receiving client controls a reproduction for the received broadcast program further based on the reproduction control information (**column 5 lines 48-61**) or controls a recording reservation operation for the broadcast program further based on the reproduction control information (**column 8 lines 42-49**). Also wherein the transmission means inserts content control information corresponding to the broadcast program in the control

information for obtaining the program or in the program information (**column 8 lines 19-21**).

Regarding claims, 9 and 13, Hamilton discloses a content recording and reproduction method according to claim 12, wherein the case in which the reproduction control information (**column 5 lines 48-61**) concerning stored broadcast content (**Memory (26) in figure 2**) is included in the section of the control information for obtaining the program or the program information (**column 6 lines 39-42**), in the storage step, a recording reservation operation for contents is controlled on the basis of the number of times of reproduction of contents (**column 8 lines 42-49**), the restriction of display resolution at the time of reproduction of contents (**column 26 lines 17-24**), and the expiration date of content reproduction described in the reproduction control information (**column 12 lines 45-54**) or, in the reproduction step, a reproduction operation is controlled on the basis of the number of times of reproduction of contents (page 2 paragraph (0017) lines 10-14).

Regarding claims 4, 10, and 14, Hamilton discloses a content distribution system according to claims 2, 8, and 12, wherein the content or storage (**Memory (26) in figure 2**) receiving client controls a reproduction for the received broadcast program based on record control data for managing a copy generation of contents in the control information (**column 7 lines 7-10**) or controls a recording reservation operation for the broadcast program based on record control data for managing a copy generation of contents in the control information (**column 8 lines 42-49**), when the reproduction

control information is not in the control information or the program information (**column 6 lines 15-28 Knee**).

Regarding claim 16, Knee discloses a content distribution system according to claim 1, wherein the broadcast contents and the content control information are broadcasted by radio wave (**Satellite Dish in figure 58**)

***Conclusion***

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKLIN S. ANDRAMUNO whose telephone number is (571)270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm) alternate Fri off (EST).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/  
Supervisory Patent Examiner, Art  
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